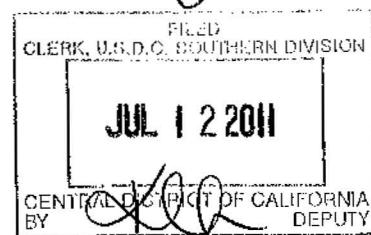


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4 I HEREBY CERTIFY THAT THIS DOCUMENT WAS SERVED BY
5 FIRST CLASS MAIL, POSTAGE PREPAID, TO ALL COUNSEL *Petitioner*
6 (OR PARTIES) AT THEIR RESPECTIVE MOST RECENT ADDRESS OF
7 RECORD IN THIS ACTION ON THIS DATE.

8 DATED: 7/12/2011
9 *CDays*
10 DEPUTY CLERK



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

PETER PERRY, Petitioner, vs. TIM VIRGA, Warden, Respondent. Case No. EDCV 11-941-TJH (RNB) ORDER SUMMARILY DISMISSING PETITION FOR WRIT OF HABEAS CORPUS FOR LACK OF SUBJECT MATTER JURISDICTION

On June 14, 2011, petitioner filed a Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody ("Pet.") herein.

It appears from the face of the Petition that it is directed to the same 2003 San Bernardino County Superior Court conviction as the prior habeas petition filed by petitioner in this Court on July 27, 2005, in Case No. EDCV 05-0676-TJH (RNB). On December 21, 2005, Judgment was entered in Case No. EDCV 05-0676-TJH (RNB) denying the Petition and dismissing the action with prejudice. Petitioner appealed from the Judgment to the Ninth Circuit, but his untimely request for a certificate of appealability was denied by this Court on jurisdictional grounds. Subsequently, the Ninth Circuit denied petitioner's request for a certificate of appealability as well.

The sole claim being alleged by petitioner in his just-filed Petition is that he

1 was coerced by defense counsel into pleading guilty. (See Pet. at ¶ 7.a.) Since that
2 claim corresponds to one of the subclaims alleged by petitioner in Ground 1 of the
3 Petition in Case No. EDCV 05-0676-TJH (RNB), the Court's consideration of the
4 just-filed Petition is governed by 28 U.S.C. § 2244(b)(1), which provides that “[a]
5 claim presented in a second or successive habeas corpus application under section
6 2254 that was presented in a prior application shall be dismissed.”

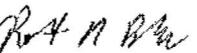
7 IT THEREFORE IS ORDERED that this action be summarily dismissed,
8 pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States
9 District Courts.

10 LET JUDGMENT BE ENTERED ACCORDINGLY.

11
12 DATED: June 28, 2011


13 Terry J. Hatter, Jr.
14 UNITED STATES DISTRICT JUDGE

15 Presented by:
16


17 Robert N. Block
18 United States Magistrate Judge